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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,075	10/19/2001	Satoru Okada	723-1190	8698

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EXAMINER

ENATSKY, AARON L

ART UNIT PAPER NUMBER

3713

DATE MAILED: 03/17/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,075

Applicant(s)

OKADA ET AL.

Examiner

Aaron L Enatsky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-32, 34-39 and 41-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-32, 34-39 and 41-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/27/03</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

1. Examiner acknowledges receipt of amendment on 12/29/03.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25, 27-29, 31-32, 34, 36-39, 41-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over **US Patent No. 4,981,296** to Shiraishi et al. (Hereinafter, Shiraishi) in view of CardBus (Pages 1-3). Shiraishi teaches of a high speed data processor used with electronic games having the ability to reduce the processor speed to accommodate the electronic game software designed to run on a slower processor (1:10-24). Shiraishi also discloses that the processor speed can be of multiple speeds, not limited to two speeds (3:16-18). As Shiraishi teaches the variable speed process for use with video games, it is obvious that structural elements of a memory media for graphics and sound data, video output, and a connector for coupling the above elements are present in the above teachings, as it is notoriously well known that video game systems use the above-mentioned items. Shiraishi though, does not teach the use of a storage media storing clock speed data, rather that a user would select the correct clock speed. However, as Shiraishi clearly teaches manually altering processor speeds for use with electronic gaming systems one would have been motivated to include the correct processor speed with a

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specific game as it obvious to automate a manual process. Therefore, it would have been obvious to one of ordinary skill in the art to modify the teaching Shiraishi and include processor speed configurations with a specific game to reduce the burden on a user of manually switching between processor speeds for a particular game. Additionally, it is notorious well known that games and game system functions can be duplicated in portable or console system format where a portable game system would include the claimed features of handheld game play, LCD display, and DMA operation. Shiraishi also does not disclose storing compatibility data in a memory storage medium. Cardbus teaches a portable memory storage device for use in portable/desktop computers that stores compatibility data so that a determination can be made as to the interoperability between a host system and the memory device using device IDs (Adapters, page 2 and Conclusion, page 3). While not explicitly stated, it is also notoriously well known that applications of Cardbus, also known as PCMCIA technology, cover the gamut of computing technology including memory, I/O interfaces, audio, video, networking, and other miscellaneous devices. In a memory embodiment, Cardbus could serve to hold any type of information, including game information. Therefore, one would be motivated to modify Shiraishi to include the compatibility data in the game memory medium taught by Cardbus to determine device interoperability to let users know whether the card is compatible with the host system (Configuration, page 3).

Claims 26, 30, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiraishi in view of Cardbus as applied to claims 25, 27-29, 31-32, 34, 36-39, 41-44 above, and further in view of **US Patent No. 5,556,108** to Nagano et al. (Nagano). Shiraishi in view of Cardbus teach the limitations as discussed above, but fail to disclose specifics of compatibility

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data related to color information. Nagano teaches a color conversion system that checks for color data on a portable storage medium to decide whether to execute a color conversion program (Fig. 22 and 6:37-43). One would be motivated to modify the game system taught by Shiraishi in view of Cardbus with color compatibility data taught by Nagano so that any color conversion that takes place will allow a game with a lesser number of colors be reproduced with a greater number of colors that the current host system can reproduce (2:30-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the color compatibility data taught by Nagano in the compatibility data memory of the game system taught by Shiraishi in view of Cardbus to increase player enjoyment by refreshing an old game with a new look of enhanced color.

Response to Arguments

3. Applicant's arguments filed 12/29/03 have been fully considered but they are not persuasive.

Office action improperly assumes that automating a manual process regarding processor speed configurations: Examiner is unconvinced that it was improper to regard automating processor speed configurations obvious over manual speed adjustments. Examiner previously provided citations of prior art that discussed ICs with automatic clock speed configurations (US 6,311,246 to Wegner et al.), dynamic reconfiguration of processor speeds to save power in portable computer devices (US 5,727,208 to Brown), and game cartridges with cartridge type data stored therein (US 5,161,803 to Ohara). Examiner believes that additional support for automatic processor speed adjustments were unnecessary due to obviousness of

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automating manual processes and the knowledge of one of ordinary skill in the art regarding processor speed adjustments. However, as Applicant is still unconvinced of this fact, Examiner has included additional prior art regarding automatic processor speed adjustments. US 5,848,267 to Thome teaches advances in processing power made some older games unusable and it would be advantageous to build a simple apparatus to produce effective speeds per required software (1:23-2:29). Furthermore, such design of the apparatus is not limited to the size, shape, materials, components, circuit elements, etc. described in the specification. Thome also relies on US 5,125,088 to Culley, which shows known features in processor speed reductions. Culley deals with software, particularly mentioning video games (2:14-23), wherein the invention is automatically adjusting speed control of the processor depending on detected features of software, which can be read off of removable storage media (4:1-22). Thus, Examiner continues to believe that prior rejections, based on previously cited art was proper. Examiner has also cited below US 5,958,058 to Barrus and US 6,088,830 to Blomgren et al. for additional teachings of automatic processor speed adjustments.

Storing compatibility data in a storage or memory medium: Applicant argues that CardBus does not remedy the deficiency of having compatibility data as claimed in the instant application. Examiner believes because Shiraishi and known game systems are primarily computer systems that have removable memory devices for storing game software data, the storage feature of Cardbus is equivalent to other known game memory storage devices absent a showing of criticality regarding a specific storage device. Beyond Examiner's initial art reasoned motivation to use Cardbus for a memory storage device, Cardbus provides a well-known interface standard adopted in a broad range of computing areas. It's commodity status provides

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additional financial reasoning for using a Cardbus devices for memory storage. Additionally, Examiner provided US 5,954,808 to Paul as a documented showing of computer configuration settings stored on a removable memory storage medium (Abstract and Figs. 1-4B). Paul also comments on the ability to use this with PCMCIA (Cardbus technology). For further evidence of entertainment devices using PCMCIA, Examiner points Applicant to US 5,711,672 to Redford et al., which has entertainment data stored on removable media including a PCMCIA card of which can be inserted into a variety of computer devices, such as personal computers and game consoles (4:50-65). US 5,816,918 Kelly et al. provides similar support, teaching game data stored on a PCMCIA card. With such evidence, Examiner believes that the prior art rejections were proper.

Citation of Pertinent Prior Art

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5,125,088 to Culley teaches processor speed control.

US 5,848,267 to Thome teaches processor speed control.

US 5,958,058 to Barrus teaches processor speed control.

US 6,088,830 to Blomgren et al. teaches processor speed control.

US 5,711,672 to Redford et al. teaches game data stored on a PCMCIA card.

US 5,816,918 to Kelly et al. teaches game data stored on a PCMCIA card.

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8-6 M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on 703-308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALE ;

A handwritten signature, possibly reading "ALE", with a stylized flourish extending to the right.A handwritten signature in cursive script, appearing to read "T. Walberg".

Teresa Walberg
Supervisory Patent Examiner
Group 3700